

E. A. WILLIAMS

MAY 14, 1942.—Ordered to be printed

Mr. CAPPER, from the Committee on Claims, submitted the following

## REPORT

[To accompany H. R. 5920]

The Committee on Claims, to whom was referred the bill (H. R. 5920) for the relief of E. A. Williams, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

On page 1, line 6, strike out the figures "\$5,540" and insert "\$4,000".

The facts are fully set forth in House Report No. 1990, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1990, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5920) for the relief of E. A. Williams, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Line 6, strike out the figures "\$20,000" and insert in lieu thereof "\$5,540".

The purpose of the proposed legislation is to pay to E. A. Williams of Comanche, Tex., the sum of \$5,540 for personal injuries sustained on February 4, 1941, when he was struck by a United States Army truck in the town of Comanche, Tex.

## STATEMENT OF FACTS

On February 4, 1941, a Government truck driven by a soldier, on official business, was making a right turn into Courthouse Square, Comanche, Tex., at a speed of about 10 miles per hour; that in making the turn, the steering gear of the truck locked, and the brakes failed to function properly, and the vehicle struck Mr. Williams, age 58, who was standing at the rear of his parked truck conversing with a friend. The friend observed the approaching Government vehicle, jumped into the clear, and attempted to pull Mr. Williams to safety, but without success. Mr. Williams' left leg was crushed between the bumpers of the two trucks, necessitating the amputation of the leg 2 inches above the knee, and his right leg was badly mashed, but the blood supply was not damaged and the bones were not broken; that Mr. Williams has incurred medical and hospital expenses in the amount of \$540. The War Department, in report to the committee dated November 25, 1941, recommends:

"It appears from the above that Mr. Williams has suffered injuries as a result of the poor mechanical condition of a Government vehicle, and while the War Department is not prepared to pass on the amount that should be allowed under the circumstances, it will interpose no objection to the enactment of legislation to compensate him for the injuries sustained by reason of this unfortunate happening, in such amount as the Congress may deem proper to allow."

Appended hereto is the report of the War Department together with other pertinent evidence.

WAR DEPARTMENT,  
Washington, November 25, 1941.

HON. DAN R. McGEHEE,  
*Chairman, Committee on Claims,  
House of Representatives, Washington, D. C.*

DEAR MR. McGEHEE: The War Department will interpose no objection to the enactment of H. R. 5920, Seventy-seventh Congress, which would pay to E. A. Williams of Comanche, Tex., the sum of \$20,000, in full settlement of all claims against the United States for personal injuries sustained on February 4, 1941, when he was struck by a United States Army truck in the town of Comanche, Tex.

On February 4, 1941, at about 2:30 p. m., a Government truck driven by a soldier, on official business, was making a right turn into Courthouse Square, Comanche, Tex., at a speed of about 10 miles per hour. In making the turn, the steering gear of the truck locked, the brakes failed to function properly, and the vehicle struck E. A. Williams, age 58, who was standing at the rear of his parked truck conversing with a Mr. Burdett. The latter, observing the approaching Government vehicle, jumped into the clear and attempted to pull Mr. Williams to safety, without avail. Mr. Williams' left leg was crushed between the bumpers of the two trucks, necessitating the amputation of the leg 2 inches above the knee thereby giving rise to the damages which are the subject of this legislation.

Evidence was adduced by the officer investigating the accident to the effect that a test of the Army truck, made immediately subsequent to the accident revealed that after making a quarter of a turn of the steering wheel the front wheels whipped to the right, jerking the steering wheel from the driver's hands if not held tightly; that the brakes were in bad condition, requiring pumping of brake pedal to apply, and had a tendency to lock; that the tires were without tread thereby offering little resistance to skidding; that the driver attempted to brake the truck, when he found that its path could not be righted, with a result that the truck skidded about 8 feet into the rear of the claimant's vehicle.

A claim was filed with the War Department by Mr. Williams for \$20,290 covering personal injury (loss of left leg) and necessary medical expenses. This claim was necessarily disapproved for the reason that there is no law or appropriation available for the settlement of claims for personal injury or expenses incident thereto arising as the result of activities of the Army, except in a very restricted class of cases involving the operation of Army aircraft.

It is the view of the War Department that the loss was not due to fault or negligence of the claimant and that the loss was not due to fault or negligence of the driver of the Government vehicle, acting within the scope of his employment, but was due to the poor mechanical condition of the Government vehicle—poor brakes and faulty steering mechanism.

It appears from the above that Mr. Williams has suffered injuries as a result of the poor mechanical condition of the Government vehicle, and while the War Department is not prepared to pass upon the amount that should be allowed under the circumstances, it will interpose no objection to the enactment of legislation to compensate him for the injuries sustained by reason of this unfortunate happening, in such amount as the Congress may deem proper to allow.

Sincerely yours,

HENRY L. STIMSON,  
*Secretary of War.*

COMANCHE, TEX., November 1, 1941.

My name is E. A. Williams and I am 58 years old. I live on farm 10 miles northwest of Comanche, Route 2. On February 4, 1941, I was delivering nursery stock for J. W. Waldrop Nursery, of Hico, Tex. I had parked my car on North Main Street, just off northwest corner public square on west side of Piggly Wiggly

store, second car from corner. I went to bank and to lunch, came back to my car, was standing behind my car to right of center facing curb talking to Mr. E. Y. Burdette, who was standing between myself and curb facing street when suddenly Mr. Burdette grabbed my arm and pulled me toward curb almost at the same instant I was struck by Army truck, driven by Cecil Campbell, private in Army, stationed at Camp Bowie. I was caught between the back bumper on my car and front bumper on truck. My left leg was almost severed and my right was hurt badly, but not broken.

I was given first aid by Dr. C. W. Gray; was taken by ambulance to Gorman Hospital, where left leg was amputated above knee. I was in hospital 22 days, was confined to bed and house more than 3 months. Am on crutches at this date.

I have received no compensation of any kind and no bills have been paid. I have no income and no means of support except by my own efforts.

My car was correctly parked. I was inside parking line about 8 feet from curb off street line of traffic when this accident occurred on February 4, 1941, about 2 p. m., in Comanche, Tex.

E. A. WILLIAMS.

Sworn to before me, a notary public in and for Comanche County, Tex., this the 1st day of November 1941.

[SEAL]

D. C. DINGUS, Notary Public.

*Statement of all bills and claims in total*

E. A. Williams' claim for loss of leg and other injuries.....	\$20, 000
Doctor's services and hospital bills, Gorman, Tex.....	230
Dr. C. W. Gray, first aid and other services.....	50
Ambulance service.....	10
For artificial limb, estimated cost.....	250

OCTOBER 27, 1941.

Hon. SAM RUSSELL,  
*House of Representatives, Washington, D. C.*

DEAR MR. RUSSELL: I was called around to see Mr. E. A. Williams on February 4, 1941, on the northwest corner of the square in Comanche, Tex. He had just been injured by a truck belonging to the United States Army. I brought him to my office and found that his left leg was crushed just below the knee. I did first aid and carried him to Blackwell's Sanitarium where his left leg had to be removed just above the knee.

For my professional services a fifty dollar charge was made to Mr. E. A. Williams.

Sincerely yours,

DR. C. W. GRAY.

Sworn and subscribed to before me a notary public in and for Comanche County, Tex., the 28th day of October 1941.

[SEAL]

D. C. DINGUS, Notary Public.

WID SPIVEY,  
*Comanche, Tex., November 3, 1941.*

I, Wid Spivey, being sheriff of Comanche County, Tex., was called to the scene of an accident wherein Mr. E. A. Williams was struck by an Army truck. Mr. Williams' car was parked in lawful parking space. I investigated the case and found that the accident was caused account of the truck being mechanically defective.

WID SPIVEY,  
*Sheriff, Comanche County, Tex.*

Sworn to before me, a notary public in and for Comanche County, Tex., this the 3d day of November 1941.

[SEAL]

D. C. DINGUS, Notary Public.

BLACKWELL SANITARIUM AND CLINIC,  
Gorman, Tex., October 29, 1941.

STATE OF TEXAS,  
County of Eastland:

Mr. E. A. Williams of Comanche, Tex., was brought to the hospital February 4, 1941, accompanied by Dr. C. W. Gray. His left leg was crushed and torn at the knee joint and below the knee joint to such an extent that there was no blood supply or life in the leg below the knee. It was decided by Dr. Gray and I that the leg must be amputated above the knee joint. This was done about an hour after he entered the hospital February 4, 1941. His recovery was slow but he continued to improve and he left the hospital February 26, 1941. At that time the wound was not completely healed but gradually healed after returning home and is now in good shape.

The right leg was badly mashed but the blood supply was not damaged and the bones not broken; it healed without much trouble and is now well.

E. C. BLACKWELL, M. D., Surgeon.

Sworn to and subscribed before me, this 29th day of October 1941.

[SEAL]

KATHERINE WEBB,  
Notary Public in and for Eastland County, Tex.

Mr. E. A. Williams, Comanche, Tex., route 2, in account with Drs. George and Edward Blackwell, to professional services:

Feb. 4, 1941. Anesthetic (gas and ether) given by Mrs. L. Ogle, R. N.....	\$10
Feb. 4, 1941. Operating room fee.....	10
Feb. 4, 1941. Operation.....	100
Feb. 4 to 26, 1941. 22 days' hospital expense, at \$5 each day confined in hospital.....	110
Total.....	230

NOVEMBER 1, 1941.

Mr. E. A. Williams, in account with the Comanche Funeral Home, Comanche, Tex.:

Feb. 10, 1941. Emergency ambulance to Gorman Hospital..... \$10

This is a true and correct bill of the above-named E. A. Williams as of November 1, 1941.

THE COMANCHE FUNERAL HOME,  
P. B. FRANKS, Secretary.

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